

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CESARIO VIZCARRA MEDINA,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 1:22-cv-00764-ADA-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(ECF Nos. 1, 6, 9)

Plaintiff Cesario Medina is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 17, 2022, the assigned Magistrate Judge entered findings and recommendations recommending “all claims and defendants be dismissed, except for Plaintiff’s Eighth Amendment excessive force claim against Doe ISU Officers 1-3.” (ECF No. 9 at 2.) The findings and recommendations were served on the parties and contained notice that any objections thereto must be filed within fourteen (14) days. (*Id.*) Plaintiff has not filed objections and the time to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
2 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 Court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, IT IS SO ORDERED:

5 1. The findings and recommendations issued on October 17, 2022 (ECF No. 9), are
6 adopted in full;

7 2. All claims and Defendants are dismissed, except for Plaintiff's Eighth Amendment
8 excessive force claim against Doe ISU Officers 1-3; and

9 3. The Clerk of Court is directed to reflect the dismissal of Defendants CDCR,
10 Gipson, and Clark on the Court's docket, and to add Defendants Doe ISU Officer
11 1, Doe ISU Officer 2, and Doe ISU Officer 3.

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14 IT IS SO ORDERED.

15 Dated: June 1, 2023



UNITED STATES DISTRICT JUDGE

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